

Introduced by: Council Members Best
and Combs

Date: May 13, 2014

Public Hearing: May 27, 2014

Action: Adopted

Vote: Unanimous

Yes:	No:
Best	
Erbey	
Carrington	
Combs	
DeVries	
Hanson	
Johnson	

CITY OF PALMER, ALASKA

Ordinance No. 14-014

An Ordinance of the Palmer City Council Amending Palmer Municipal Code 2.20 Planning and Zoning Commission

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Chapter 2.20 hereby amended to read as follows (new language is underlined and deleted language is stricken):

Chapter 2.20

PLANNING AND ZONING COMMISSION

2.20.010 Creation – Officers – Membership.

- A. There is created a city planning and zoning commission which shall consist of seven members who shall be nominated by the mayor and confirmed by the city council.
- B. All members must be residents of the city.
- C. ~~B.~~ A chair and vice chair of the commission shall be selected and appointed from and by the appointive members during the first regular meeting of November each year.
- ~~C. The mayor and council may attend all meetings, but they shall have no vote.~~

2.20.020 Membership terms.

- A. The term of each appointed member of the commission shall be three years.
- B. The terms shall be staggered so that three members shall be appointed at the first regular meeting in November of the city council of every third year, and two members shall be appointed at the first October meeting of the city council of each of the other two years of every such three-year period.

2.20.025 Compensation.

- A. Each commission member shall receive \$50.00 per each regular and special meeting.
- B. A commission member may decline compensation by completing the form required to decline compensation.

2.20.030 Incorporation of state law by reference.

To the extent applicable, the laws of the state dealing with planning and zoning commissions, present and future, and all amendments thereto, are incorporated into this chapter and expressly included herein.

2.20.040 Powers and duties.

The commission shall be required to do the following:

- A. Comprehensive plan. From time to time, develop, adopt, alter or revise, subject to approval and amendment by the city council, a comprehensive plan for the physical development of the city. Such comprehensive plan, with accompanying maps, plats, charts, descriptive and explanatory matter, shall show the commission's recommendations for the development of the city territory and may include, among other things:
 - 1. A statement of policies, goals, and standards;
 - 2. A land use plan;
 - 3. A community facilities plan;
 - 4. A transportation plan; and
 - 5. Recommendations for implementation of the comprehensive plan;
- B. Make recommendations.
 - 1. Make recommendations to the borough platting board regarding platting and subdividing of lots, blocks or lands, roads, water and sewer, within the city limits and, to the extent allowed by the borough platting board, regarding water and sewer within the city's water and sewer district outside the city limits.
- C. Ordinances and policies concerning subdivision of land.
 - 1. In exercising the powers granted it by this section, the commission may prepare and recommend for city council adoption ordinances and policies governing the subdivision of land within the city limits. Such ordinances and policies may provide for the harmonious development of the city and its environs; for the coordination of streets and other ways within the subdivided land with other existing or planned streets and ways and for conformance to the comprehensive plan or official map; for adequate open spaces; for spaces for traffic, utilities, recreation, light and air; and for the avoidance of congestion of population.
 - 2. Subdividing, for the purposes of this section, shall be deemed to include the division of any lot, tract, or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development;
- C. Perform duties as set out in PMC Title 17, Zoning; and
- D. Perform those duties established by the council from time to time.

2.20.050 Staff assistance to commission.

- A. ~~To assist the commission, The city manager or designee shall assist the commission and there may be a community development coordinator who~~ shall be qualified by special training and experience in the field of city planning.

- B. The city manager or designee coordinator will be the regular technical adviser of the commission and may also be designated its executive secretary, but the city manager or designee coordinator shall not have the power to vote.

2.20.055 Quorum.

A quorum shall be made up of four members and be required to conduct a meeting, except that less than a quorum can adjourn a meeting to another time or date.

2.20.060 ~~Presiding officer.~~ Commission chair.

- A. The chair shall preside at all meetings, may participate in the debate, and vote on any matter of the commission. ~~The chair shall preserve order and decorum among the commission members and is responsible for conduct of all meetings in compliance with these rules. The chair may at any time make such rules as the chair deems necessary and proper to preserve order among the persons in the commission chamber during sessions of the commission. The chair shall instruct the members of the public to be as brief as possible and, when speaking as an individual, to contain their remarks to three minutes, and if representing a group, to contain their remarks to five minutes.~~
- B. ~~The chair may speak to points of order in preference to other members and shall decide all points of order, subject to appeal by the commission by motion duly seconded as provided in this chapter.~~
- C. ~~A motion to appeal the ruling of the presiding officer may be made by any commission member, subject to a second. The motion to appeal is not debatable. The presiding officer's ruling stands unless disapproved by a majority vote of the commission.~~
- D. ~~The chair may participate in the debate on any matter. The chair may at any time call any member to the chair during any meeting, such substitution to discontinue when the chair elects to resume as presiding officer, and in no event beyond the adjournment of the meeting at which such substitution is made.~~
- B. E. In the temporary absence or disability of the chair, the vice chair shall exercise all the powers of chair during such temporary absence or disability of the chair and may also vote.

2.20.061 Meetings.

- A. All meetings are open to the public and shall be electronically recorded. The public shall have the reasonable opportunity to be heard.
- B. Regular meetings.
1. Regular meetings of the commission shall be held on the third Thursday of each month beginning at 7:00 p.m. in the city council chambers, unless otherwise designated by the commission. ~~The commission shall only be required to hold only one regular meeting in any month.~~
 2. In order to give the public a greater opportunity to attend and participate in the commission meetings, the commission may hold a regular meeting in public locations throughout the city other than the usual meeting place. When the commission designates an alternate location, the public must be notified as required in PMC 2.20.070. Permanent records or minutes shall be kept of the commission's proceedings, and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the city clerk and shall be a public record open to inspection by any person.
- C. B. Special meetings.

1. A special commission meeting may be held at the call of the chair, any two commission members, or the city manager.
2. No business shall be transacted at any special meeting except that which is specifically stated in the meeting notice. If a majority of the commission members are given at least 24 hours' written or oral notice and reasonable efforts are made to notify all commission members, a special meeting of the commission may be held at the call of the chair, any two members of the commission, or the city manager.
- D. C. Teleconferencing. Teleconferencing may be used for all lawful activities of the city and, if all voting individuals have an opportunity to evaluate all testimony and evidence, to vote on actions.
- ~~D. No business shall be transacted at any special meetings except that which is specifically stated in the notice of the meeting.~~
- E. Adjournment.
 1. The commission shall adjourn not later than 11:00 p.m. and may not reconvene any earlier than 9:00 a.m. the next day.
 2. However, by two-thirds consent of the commission the meeting may be extended for up to one hour, at which time adjournment is mandatory.
- F. Unsuitable location.
 1. If, after having been lawfully assembled in a location properly designated, the commission determines that a condition exists which renders such location unsuitable, it may recess the meeting and reconvene at a different location suitable to the needs of the commission.
 2. The location to which the meeting shall be reconvened shall be made known publicly prior to recess and notices shall be posted at the place originally designated by the clerk or designee; provided, that failure to post shall not affect the jurisdiction of the meeting.
- G. Minutes.
 1. Minutes shall be kept of the commission's proceedings, and such minutes shall record the vote of each member upon every question.
 2. Every decision or finding shall immediately be filed in the city clerk's office and shall be a public record open to inspection by any person.

~~2.20.065 Public meetings required.~~

- ~~A. All meetings are open to the public and shall be electronically recorded. The public shall have the reasonable opportunity to be heard.~~
- ~~B. In order to give the public a greater opportunity to attend and participate in the meetings of the commission, the commission may hold regular meetings in public locations throughout the city other than the usual meeting place. A public location includes any public building within the city owned by the city or the Matanuska-Susitna Borough. In the selection of a meeting place other than the normal meeting place of the commission, consideration shall be given to the reasonable accommodation of the public. When the commission intends to hold a regular meeting at a public location other than the usual place of the commission meeting, the city clerk or designee shall give notice of the meeting by posting advertisement thereof on the city hall bulletin board. The notice shall set forth with particularity the location of the meeting. The notice shall be posted at least five days prior to the scheduled meeting.~~

2.20.070 Public meeting notification.

- A. All public notices must include the date, time and place of a meeting, and if the meeting is by teleconference, the location of teleconferencing facilities that will be used.
- B. Regular Meeting. Public meeting notification shall be by means of posting ~~and/or~~ the agenda on the city's website and by publishing the agenda for a regular meeting five days prior to the meeting.
- C. Special Meeting. Public meeting notification shall be by means of posting ~~and/or~~ the agenda on the city's website and by publishing the agenda for a special meeting ~~24 hours~~ three days prior to the meeting.
- ~~D. Emergency Meeting. Public meeting notification shall be by means of posting and/or publishing the agenda with reasonableness related to the emergency.~~
- ~~E. Work Session. Public meeting notification shall be by means of posting and/or publishing the work session notice containing the topic of the work session three days prior to the session.~~

2.20.115 Commission-initiated legislation requests.

At a regular meeting, two commission members may direct the city manager or designee ~~community development coordinator~~ to prepare legislation pertaining to PMC Title 17 for action at a subsequent meeting; provided, however, the majority of the commission may vote to override the direction. The direction and motion to override may occur even though neither is on the agenda.

2.20.122 Agenda and agenda packets.

- A. The agenda for each meeting shall be prepared by the city manager ~~community development coordinator~~ or designee after consultation with the chair. The agenda shall include any discussion item requested in writing and signed by the chair or two commission members. The request shall be made to allow the timeframes of PMC 2.20.070.
- B. The city manager ~~community development coordinator~~ or designee shall attempt to notify each commission member at least 48 hours prior to a regular meeting. Notification shall be by means of a packet including information on the time and place of meeting and the agenda. Whenever practicable, minutes of the previous meeting and other background material pertinent to the agenda shall be included in the packet.

2.20.131 Order of business.

At every regular meeting of the commission the order of business shall be as follows:

- A. Call to order;
- B. Roll call;
- C. Pledge of allegiance;
- D. Approval of agenda;
- E. Minutes of previous meetings;
- F. Persons to be heard;
- G. Public hearings;
- H. Unfinished business;
- I. New business;
- J. Plat reviews;
- K. Public comments;
- L. Staff report;
- M. ~~Commissioner's~~ Commission member comments;

- N. Adjournment; provided, however, the agenda can be changed by the majority vote of the commission if such change would serve the public interest or expedite business.

2.20.135 Meetings – Rules of proceedings.

Meetings shall be conducted under the current edition of Robert's Rules of Order Newly Revised edition.

2.20.137 Audience participation.

All presentations to the commission shall be limited to three minutes per person, five minutes per group and also limited to a total time of not more than 30 minutes, unless the limitations are enumerable, in which case the presiding officer may set reasonable limits.

2.20.151 Speaking procedure.

- ~~A. Any commission member, wishing to speak, shall address the presiding officer, and shall refrain from speaking until recognized.~~
- ~~B. When two or more members request recognition simultaneously, the presiding officer shall determine which one shall speak first.~~
- ~~C. Every member shall confine debate to the subject at hand, shall refrain from personalities, and shall not refer to any other member of the commission except in a respectful manner.~~
- ~~D. Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to submit a parliamentary inquiry or make a point of order.~~
- ~~E. No member shall speak more than twice or for more than 10 minutes continuously to any one question, except that one or more additional periods of 10 minutes may be granted by unanimous consent.~~

2.20.161 Parliamentary inquiry of chair.

Any commission member may make a parliamentary inquiry of the presiding officer at any time during the meeting.

2.20.171 Point of order.

Any member may request a point of order without a second. The presiding officer may speak to points of order in preference to other members and shall decide all such questions, subject to appeal to the commission. No further business shall be conducted until resolution of the point of order.

2.20.181 Second required.

All motions shall require a second, unless otherwise provided.

2.20.191 Reduction to writing.

Any motion must be reduced to writing if the presiding officer so requires or any member so demands. No other business shall be entertained until reasonable time (not over 10 minutes) is afforded for compliance with this rule.

2.20.201 Amending amendments.

A motion to amend an amendment shall be in order; but a motion to amend an amendment to an amendment shall not be in order.

~~2.20.211 Ordering previous question.~~

~~When a motion requesting that the previous question be moved, stating the previous question to be ordered is made, all debate shall be suspended and a vote to accept the motion shall be taken. A two-thirds affirmative vote is required to order the previous question. If the motion is carried, the ordered previous question shall be voted on. If the motion to order the previous question fails, debate is resumed where previously left off.~~

~~2.20.221 Withdrawal.~~

~~After a motion is moved and seconded and is stated or read by the presiding officer, it shall be deemed to be in the possession of the commission and may not be withdrawn by the maker of the motion or the member seconding the motion. If a motion is made and seconded but not moved to the commission for debate, the maker of the motion and the member seconding the motion may withdraw the motion.~~

~~2.20.231 Division of question.~~

~~Any member may make a motion to divide the question, when allowed.~~

~~2.20.241 Motion to reconsider and rescind.~~

- ~~A. A motion to reconsider a vote may be made only by a member who voted with the prevailing side. The motion shall be made during the meeting at which the action is taken.

 - ~~1. A proper motion to reconsider suspends implementation and effect of the decision for which reconsideration is moved, until the next regular meeting or until the commission takes action on that motion, whichever occurs first. Actions that cannot be reconsidered are defined in the current edition of Robert's Rules of Order Newly Revised.~~
 - ~~2. Only one motion to reconsider shall be entertained on any ordinance, resolution or other action even if the commission overturns the original action. If a motion to reconsider a particular ordinance fails, a second motion to reconsider the same action shall not be in order.~~
 - ~~3. Debate on motions to reconsider shall be limited to 35 minutes and no member shall speak for more than five minutes.~~~~
- ~~B. A motion to rescind something previously adopted may be moved by any member. Action approving an ordinance may not be rescinded after the effective date of the ordinance. Other actions that cannot be rescinded are defined in the current edition of Robert's Rules of Order Newly Revised.

 - ~~1. A motion to rescind requires a two-thirds vote unless notice of the motion was given at the regular meeting immediately preceding the meeting when the motion is to be considered. If this notice was given only a majority of the commission is required for approval. Upon failure of a motion to rescind for which previous notice has been given, no further motions or notices of intent to rescind the same action are in order.~~
 - ~~2. Debate on motions to rescind shall be limited to 35 minutes and no member shall speak for more than five minutes.~~
 - ~~3. No measure to rescind shall be reconsidered more than once.~~~~

~~2.20.251 Rules — Amendment — Observance required — Transgression.~~

- ~~A. In all matters of parliamentary procedure not covered by these rules, Robert's Rules of Order shall be applicable and govern.~~
- ~~B. The commission rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose of an emergency nature by a vote of four~~

~~members present. Any member may move at any time for the suspension of any rule, and such motion must be seconded to entitle it consideration.~~

- ~~C. If any member, in speaking or otherwise, transgresses the rules of the commission, the presiding officer shall, or any member can, call the member to order; in which case the member so called to order shall immediately cease discussions unless permitted by the presiding officer to explain; and the commission, if appealed to, shall decide the question without debate. If the decision is in favor of the member so called to order, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the commission to proceed in order.~~

2.20.281 Voting.

- A. The presiding officer shall declare all votes; but if any member doubts a vote, the presiding officer, without further debate upon the question, shall request a roll call vote, ~~the members voting in the affirmative and negative respectively to so indicate~~, and the presiding officer shall declare the result.
- B. The vote upon all matters considered by the commission shall be taken by yes or no votes which shall be entered upon the record, except that when the vote is unanimous, it shall be necessary only to so state.
- C. Every member present shall vote, unless the presiding officer excuses the member because of substantial financial interest and the commission does not override the presiding officer's action. Declarations to be excused must be made before the vote, and shall be decided without debate.
- D. The affirmative or negative vote of at least four members shall be required for official action of the commission.

2.20.311 Informal meetings.

- ~~A. Informal meetings include work sessions, hearings, workshops or other similar titles (all of which are designated as work sessions for purposes of PMC 2.20.025). These gatherings may be held outside of the traditional meeting structure and PMC 2.20.061 through 2.20.281 do not apply; provided, that these meetings may be held only after appropriate public notice under the Open Meetings Act has been given. No formal action may be taken at these meetings. These meetings may cover only informational items or items of a legislative nature, such as, for example, promoting public interest in and understanding of the comprehensive plan, zoning, rezoning and annexation. These meetings may not cover items that pertain to a specific person or persons or a specific property or properties, such as conditional use permits or variances, as those matters must be covered at formal meetings.~~
- ~~B. The purpose of work sessions is for the commission to receive information, review and discuss matters. The purpose of hearings and workshops with the community is to receive testimony from, discuss with and provide information to city and borough residents. Only one or more commissioners, as authorized by the commission, need attend hearings and workshops with the community.~~

2.20.321 Cause for removal.

- A. A ~~commissioner~~ commission seat shall become vacant upon the occurrence of any of the following:
 1. Expiration of the term of office;
 2. Death of the ~~commissioner~~ commission member;

3. Resignation approved by the council;
 4. ~~The commissioner's~~ Ceasing to possess required eligibility qualifications to be a commission member; at any time the qualifications of eligibility required for the office of ~~commissioner~~;
 5. Conviction of a felony involving moral turpitude or an offense involving a violation of an oath of office;
 6. Judicial determination that the ~~commissioner~~ commission member is of unsound mind;
 7. A decision of a competent tribunal declaring the appointment of the ~~commissioner~~ commission member void;
 8. Failure to take an oath of office within 30 days of appointment to office or within such shorter time between appointment and the date of the ~~commissioner's~~ commission member's first commission meeting;
 9. No longer physically resides in the city; and
 10. Other just cause for removal.
- ~~B. If there is reasonable possibility of an "occurrence," the council shall instruct to notify the commissioner of a "possible occurrence."~~
- ~~1. At least 10 days after giving of the notice, the council shall hold a hearing for presentment of the evidence, allow the commissioner to respond and present his or her case, and vote on the matter of removal.~~
 - ~~2. The mayor shall preside at the hearing and may exclude irrelevant evidence.~~
 - ~~3. A council member shall vote based on the evidence presented at the hearing and may vote for removal only if, in the opinion of the council member, it is more likely than not that the "occurrence" has been proven at the hearing.~~
 - ~~4. The commissioner shall be removed only upon the vote of four council members.~~
- ~~B. C.~~ In addition, a ~~commissioner~~ commission member may be removed by the council if, during any 12-month period while in office:
1. The ~~commissioner~~ commission member is absent from three regular meetings without excuse; or
 2. The ~~commissioner~~ commission member is absent from six regular meetings.
- ~~D. The chair or designated staff shall keep attendance records of all regular meetings, and immediately report the failure of any commissioner to meet the attendance requirements of this section to the mayor or designee.~~
- ~~1. The mayor shall notify the commissioner of the claimed delinquency, hold a hearing for presentment of the evidence at least 10 days after giving of the notice, allow the commissioner to respond and present his or her case.~~
 - ~~2. The mayor shall decide based on the evidence presented at the hearing and may remove the commissioner only if, in the opinion of the mayor, it is more likely than not that the delinquency has been proven at the hearing.~~

2.20.331 Conflict of interest.

A commission member shall declare a substantial financial interest the member has in an official action prior to discussion and vote on the matter.

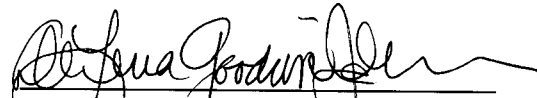
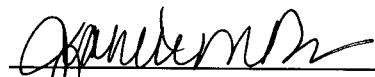
A. The chair shall rule on the request to be excused from discussion and vote;

B. The decision of the chair on the request may be overridden by a majority vote.

~~A commissioner shall declare a substantial financial interest that the member has in an official action and the commissioner shall not participate in such official action.~~

Section 4. Effective Date. Ordinance No. 14-014 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this twenty-seventh day of May, 2014.


DeLera Goodwin Johnson, Mayor
Janette M. Bower, MMC, City Clerk